

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ICONIX, INC.,

No. C 06-2201 SBA

Plaintiff.

ORDER

v.

[Docket Nos. 21, 34, 44]

LANCE TOKUDA, et al.,

Defendants.

This matter comes before the Court on Defendant Netpickle's Motion Pursuant to Rule 6-3 for an Order Extending the Time for Briefing and Hearing on Plaintiff Iconix, Inc.'s Motion for Preliminary Injunction (referred to herein as "Defendant's Motion to Extend Time") [Docket No. 34]. Having read and considered the Motion, and Plaintiff's Opposition, the Court finds that a brief extension of time is warranted, due to the limited time that the parties have had to complete the necessary written discovery and to conduct depositions. However, the Court agrees with Plaintiff that an extension of time until September 12, 2006 would be prejudicial to Plaintiff, given that Plaintiff has worked diligently toward an expedited resolution of its preliminary injunction motion, and has set forth a colorable argument that its business could be irreparably harmed if it is not heard on the motion at the earliest available date.

Accordingly,

IT IS HEREBY ORDERED THAT Defendant's Motion to Extend Time [Docket No. 34] is GRANTED IN PART. The July 25, 2006 hearing on Plaintiff's Motion for Preliminary Injunction [Docket No. 21] is VACATED.

IT IS FURTHER ORDERED THAT the briefing schedule on Plaintiff's Motion for Preliminary Injunction, and the schedule for the related discovery, is modified as follows:

(1) The parties shall exchange expert declarations, if any, regarding the Motion for

Preliminary Injunction, no later than **June 26, 2006**;

(2) Plaintiff shall file its Supplemental Opening Brief in support of its Motion for Preliminary Injunction no later than **June 30, 2006**;

(3) Defendant shall file its Opposition no later than **July 14, 2006**;

(4) Plaintiff shall file its Reply no later than **July 28, 2006**.

Upon the completion of this briefing schedule, the Motion for Preliminary Injunction shall be taken under submission. If the Court determines that a hearing on the Motion is necessary, and a hearing date before September 12, 2006 becomes available, the Clerk will contact the parties immediately and schedule a hearing.

IT IS FURTHER ORDERED THAT Defendants shall file the appropriate response to Plaintiff's Administrative Motion to Seal [Docket No. 44] **no later than June 20, 2006 at 12:00 p.m.** If Defendants contend that the exhibits should be sealed, Defendants shall file a declaration and a proposed sealing order, pursuant to Civil Local Rule 79-5(d).

IT IS SO ORDERED.

Dated: 6/19/06


SAUNDRA BROWN ARMSTRONG
United States District Judge